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| EXAMINER |
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DEBELIE, MITIKU W

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| ART UNIT | PAPER NUMBER |
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2621

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08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,650

Applicant(s)

VAN DER MEULEN, PIETER

Examiner

Mitiku Debelie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 - 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 - 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 22, 23, 25, 27 – 31, 34 – 39 and 42 - 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Gustman (U.S. Patent Number 5,813,014).

Regarding claim 22, Gustman discloses a method of enabling to play at least one of audio- and video-archive content in a home network environment, the method comprising: providing a Consumer Electronics (CE) device comprising (see column 1, lines 11 – 17): a user interface (see Fig. 2, KEYBOARD, MOUSE, column 1, lines 21 – 22) that facilitates a retrieval of archive content, wherein the archive content can reside in an archive storage device (see Fig. 3, archive server 306) for being operably coupled to the CE device in operational use; and a playback device that is enabled to render the archive content (see column 1, lines 23 – 25).

Regarding claim 23, Gustman teaches a method wherein the CE-device is enabled to be operationally coupled to a second device (Fig. 3, archive server

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306) in the home network environment, and wherein at least one of the CE-device and the second device can, at least partly, execute software that enables: receiving the content data from a content source; receiving a content identifier associated with the content data (see column 8, lines 29 – 50); processing the content data to produce the archive content (see column 5, lines 53 – 57); accumulating the archive content at a respective storage location in the archive storage device (see column 8, lines 51 – 52) and cataloging the content data by associating the storage location to the content identifier (see column 9, lines 10 – 24).

Regarding claim 25, Gustman teaches a method wherein the CE device comprises a retriever, operably coupled to the archive storage device, that facilitates a selection of at least one of the archive content and the content data, based on information associated with the identifier of the content data (see column 1, lines 26 – 28).

Regarding claim 27, Gustman teaches a method wherein the content source is a storage device (see column 8, lines 29 – 50).

Regarding claim 28, Gustman teaches a method wherein the archive content comprises MPEG compression (see column 8, lines 47 – 50).

Regarding claim 29, Gustman teaches a method wherein the software also enables storing the content data, for subsequent processing to produce the archive content (see column 8, lines 51 – 52).

Regarding claim 30, Gustman teaches a method wherein the cataloging associates one or more information items to the identifier (see column 8, lines 29

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– 33); and the retriever facilitates the selection based also on the one or more information items (see column 8, lines 39 – 41, column 9, lines 9 - 24).

Regarding claim 31, Gustman teaches a method wherein the retriever includes a graphic user interface that facilitates the selection (see column 16, lines 4 – 8).

Regarding claim 34, Gustman teaches a method wherein the second device comprises a Personal Computer (see column 1, lines 15 – 17).

Regarding claim 35, claim 35 recites, “A method of enabling to process at least one of audio- and video-content data in a home network environment, the method comprising providing software that enables: receiving content data from a content source; receiving a content identifier associated with the content data; processing the content data to produce archive content; accumulating the archive content at a respective storage location in an archive storage device; and cataloging the content data by associating the storage location to the content identifier, wherein the software is enabled to be, at least partly, executed in the home network environment that comprises a Consumer Electronics (CE) device and a second device.” This claim reads on claim 22 and 23 above.

Regarding claim 36, claim 36 recites, “The method of claim 35, wherein CE device comprises: a user interface that facilitates a retrieval of the archive content, wherein the archive content can reside in the archive storage device for being operably coupled to the CE device; and a playback device that is enabled to render the archive content.” This claim reads on 22 above.

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Regarding claim 37, grounds for rejecting claim 24 apply for claim 37 in its entirety.

Regarding claim 38, grounds for rejecting claim 25 apply for claim 38 in its entirety.

Regarding claim 39, grounds for rejecting claim 30 apply for claim 39 in its entirety.

Regarding claim 42, grounds for rejecting claim 34 apply for claim 42 in its entirety.

Regarding claim 43, grounds for rejecting claim 27 apply for claim 43 in its entirety.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustman (U.S. Patent Number 5,813,014) as applied to claims 22, 23, 25, 27 – 31, 34 – 39 and 42 - 43 above, and in view of Bardou et al. (U.S. Patent No. 6,179,487).

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Regarding claim 24, note the discussion of Gustman in claim 22 above. Gustman does not teach a method of determining whether the content data has been previously catalogued, based on the content identifier, and cataloging the content data only if the content data has not been previously catalogued. Bardon et al., from a related field of endeavor, teaches a method of determining whether the content data has been previously catalogued based on the content identifier, and cataloging the content data only if the content data has not been previously catalogued (see column 5, lines 41 – 53).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of determining the presence of a content in an archive before adding the content to the archive as taught by Bardon to the method of Gustman in order to avoid having duplicate data in the archive as a way of lowering storage and retrieval time.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gustman (U.S. Patent Number 5,813,014) as applied to claims 22, 23, 25, 27 – 31, 34 – 39 and 42 - 43 above, and in view of official notice.

Regarding claim 26, note the discussion of Gustman in claim 22 above. Gustman does not teach a method wherein the playback device is enabled to render the archive content in an audio form while the processing the content data to form the archive content is taken place.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to take advantage of the multitasking capability of the multimedia recorder/reproducer (a computer system) to render audio output of some form while archiving is taking place. Official notice is taken.

6. Claim 32 – 33 and 40 – 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustman (U.S. Patent Number 5,813,014) as applied to claims 22, 23, 25, 27 – 31, 34 – 39 and 42 - 43 above, and in view of Moguel et al. (U.S. Patent Number 6,243,761).

Regarding claim 32, note the discussion of Gustman above, Gustman does not teach a method of reproduction wherein the device comprises a portable electronic device. Moguel, from the same field of endeavor, teaches a method wherein the reproduction device comprises a portable device (see column 6, lines 17 – 20).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use portable reproducing device to offer mobility to the user.

Regarding claim 33, grounds for rejecting claim 32 apply for claim 33. A portable device can easily be mounted on an automobile.

Regarding claim 40, grounds for rejecting claim 32 apply for claim 40 in its entirety.

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Regarding claim 41, grounds for rejecting claim 33 apply for claim 41 in its entirety.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitiku Debelie whose telephone number is (571) 270 1706. The examiner can normally be reached on Mon - Fri 8:00 - 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272 7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MD

13/08/2007

Mehrdad Dastouri

MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER

TC 2600

for Thni Tran